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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,059	07/05/2007	Toshihiko Suzuki	136055	8891

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EXAMINER

REYNOLDS, STEVEN ALAN

ART UNIT	PAPER NUMBER
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3728

NOTIFICATION DATE	DELIVERY MODE
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12/27/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com
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Office Action Summary

Application No.

10/594,059

Applicant(s)

SUZUKI ET AL.

Examiner

Steven Reynolds

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No.(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No.(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/26/2010 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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4. Claims 1-3, 6, 7, 9, 10, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ridgeway (US 6,302,274) in view of Stone et al. (US 2,993,587) and Yeager et al. (US 5,353,935). Ridgeway discloses a shock absorbing packaging material comprising a pair of intermediate frame members (opposing frame members 10 that encase A - See Fig. 5) over which shock absorbing film (58) is stretched so as to cover a window hole and an outer frame member (box 110 – See Fig. 5) which holds the pair of the intermediate frame members in an opposing condition. Ridgeway '274 discloses the claimed invention except for the outer frame member being in the form of a tube body and the supporting pieces containing a cutout.

Regarding the outer frame member being in the form of a tube body, Stone teaches a packaging (See Fig. 1) comprising a pair of intermediate frame members (8 and 9) and an outer frame member (5) which holds the pair of the intermediate frame members in an opposing condition wherein said outer frame member is constituted of a tube body which surrounds outer peripheral edges of said pair of the intermediate frame members, a first side supporting piece (top flaps in Fig. 2) extending from one side opening edge of the tube body and second side supporting piece (bottom flaps in Fig. 2) extending from the other side opening edge of the tube body, and the pair of intermediate frame members are disposed in a hollow portion of the tube body and the outer peripheral edge portion of the first side intermediate frame member is supported by the first side supporting piece folded inward of the tube body while the outer peripheral edge portion of the second side intermediate frame member is supported by the second side supporting piece folded inward of the tube body (See Fig. 1) for the

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purpose of securing the article in place while enabling the article to be viewed from two sides while within the outer frame. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have substituted the outer frame (box) of Ridgeway with a tube body outer frame as taught by Stone in order to allow the sides of the article to be viewed when the article is in the outer frame.

Regarding the supporting pieces containing a cutout, Yeager teaches a package comprising a pivotable panel (56) which is tucked under a detent (40) for holding the panel in place, wherein the panel includes a finger sized cutout (58) at the edge for the purpose of providing access for a finger tip to grip and release the panel from the detent (column 3, line 65—column 4, line 13). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the free edge of the side supporting pieces of Ridgeway-Stone with a finger cutout as taught by Yeager in order to accommodate a finger tip for releasing the supporting piece from the groove 13 to easily disassemble the package.

Regarding claim 2, Ridgeway-Stone-Yeager discloses a flange (upper element 6 – See Stone Fig. 1) is formed on an inner periphery of the first side opening of the tube body by the second side supporting piece that is folded inward of the tube body while a flange (lower element 6 – See Stone Fig. 1) is formed on an inner periphery of the second side opening of the tube body by the second side supporting piece folded inward of the tube body, and the outer peripheral edge portion of the first side intermediate frame member is supported by the flange formed on the inner periphery of the first side opening of the tube body while the outer peripheral edge portion of the

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second intermediate frame member is supported by the flange formed on the inner periphery of the second side opening of the tube body.

Regarding claim 3, Ridgeway-Stone-Yeager discloses the flange formed on the inner periphery of first side opening of the tube body is formed in the shape of a plane opposing the second side opening of the tube body, and the flange formed on the inner periphery of the second side opening of the tube body is formed in the shape of a plane opposing the first side opening of the tube body.

Regarding claim 6, Ridgeway-Stone-Yeager discloses the outer frame member is made of a single blank (See Stone Fig. 2), the blank comprising a plurality of outside wall portions connected to each other such that they are arranged in line that together form a tube body, a link portion (panel 7) is formed on a side edge of an outside wall portion located at a first side end of the plurality of outside wall portions arranged in line, wherein the first side supporting piece is connected to a bottom edge of the plurality of outside wall portions which serve as a first side opening edge of the tube body, and the second side supporting piece is connected to an upper edge of the outside wall portions which serve as a second side opening edge of the tube body, and the respective outside wall portions are folded in a same direction so as to connect the link portion to the side edge of an outside wall portion located at the second side end of the plurality of outside wall portions arranged in line, the tube body is formed.

Regarding claim 7, Ridgeway-Stone-Yeager discloses the first side supporting piece has an inner wall portion connected to the first side opening edge of the tube body and a flange portion connected to the inner wall portion and the second side supporting

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piece has an inner wall portion connected to the second side opening edge of the tube body and a flange portion (fold down flap) connected to the inner wall portion, wherein a flange is formed on an inner periphery of the first side opening of the tube body by a flange portion (fold down flap) opposing the second opening of the first side supporting piece folded inward of the tube body and then, a flange (end of the flap which contacts the intermediate frame member) is formed on the inner periphery of the second side opening of the tube body by a flange opposing the first side opening of the second side supporting piece folded inward of the tube body and, wherein the outer peripheral edge portion of the first side intermediate frame member is supported by the flange formed on the inner periphery of the first side opening of the tube body and the outer peripheral edge portion of the second side intermediate frame member is supported by the flange formed on the inner periphery of the second side opening of the tube body.

Regarding claim 9, Ridgeway-Stone-Yeager discloses bending lines (fold lines between panels 5 and 6 – See Stone Fig. 2) are formed in the inner wall portion.

Regarding claim 10, Ridgeway-Stone-Yeager discloses each intermediate frame member is comprised of a frame body (Ridgeway, 30) having the window hole and outward projected pieces (16/18/24/26) perpendicular to the frame body, wherein an outward projected piece of first side intermediate frame member disposed in the hollow portion of the tube body is inserted into between the tube body and the first side supporting piece folded inward of the tube body and the outward projected piece of the second side intermediate frame member disposed in the hollow portion of the tube body

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is inserted into between the tube body and the second side supporting piece folded inward of the tube body.

5. Claims 4, 8, 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ridgeway (US 6,302,274) in view of Stone et al. (US 2,993,587) and Yeager et al. (US 5,353,935) as applied to claim 1 above, and further in view of Atsushi et al. (JP 11208727). As described above, Ridgeway-Stone-Yeager discloses the claimed invention except for the specifics of the side supporting pieces. However, Atsushi teaches a package comprising side supporting pieces (K) having a plurality of bending lines for allowing the supporting prices to fold inwardly to form the shape of a pole (triangular pole). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the side supporting pieces of Ridgeway-Stone-Yeager with extensions including bending lines for folding the portions of the side supporting pieces inwardly to form pole-like shapes as taught by Atsushi in order to increase the strength of the structure to better protect the contents of the package.

Regarding the specific shape/orientation of the folded side supporting pieces, it would have been an obvious matter of design choice to have folded the side supporting pieces in any orientation such as having the end portions in contact with other portions of the side supporting pieces or having an end portion contact the peripheral edge portion of the intermediate frame, since Applicant has not disclosed that the specific folding orientation of the side supporting pieces solves any stated problem or is for any

particular purpose and it appears that the invention would perform equally well with either folding orientation since a triangular pole-like body is formed in either orientation.

Further regarding claim 8, Ridgeway-Stone-Yeager-Atsushi discloses one side supporting piece has an inner wall portion connected to the first side opening edge of the tube body, a flange portion connected to the inner wall portion and a front end portion (portion of the triangular structure) connected to the flange portion and the second side supporting piece has an inner wall portion connected to the second side opening edge of the tube body, a flange portion connected to the inner wall portion and a front end portion (portion of the triangular structure) connected to the flange portion, wherein flange is formed on the inner periphery of the first side opening of the tube body by a flange portion opposing the second side opening, of the first side supporting piece folded inward of the tube body and then formed in the shape of a pole (triangular pole) and a flange is formed on the inner periphery of the second side opening of the tube body by a flange portion opposing the first side opening, of the other side supporting piece folded inward of the tube body and then formed in the shape of a pole, and, wherein the outer peripheral edge portion of the first side intermediate frame member is supported by the flange formed on the inner periphery of the first side opening of the tube body while the outer peripheral edge portion of the second side intermediate frame member is supported by the flange formed on the inner periphery of the second side opening of the tube body.

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6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ridgeway (US 6,302,274) in view of Stone et al. (US 2,993,587) and Yeager et al. (US 5,353,935) as applied to claim 1 above, and further in view of Paige (US 3,226,005). As described above, Ridgeway-Stone-Yeager discloses the claimed invention except for the hooking portions formed on adjoining edges of the supporting pieces. However, Paige teaches an outer frame (container in 12) comprising a plurality of sidewalls including hooking portions (32/26 – See Fig. 6) thereon for the purpose of interlocking the sidewalls together to secure the container in its folded arrangement. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the edges of the side supporting pieces of Ridgeway-Stone-Yeager with hooking portions as taught by Paige in order to more securely hold the supporting pieces together in the tube-like arrangement as seen in Stone Fig. 1.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ridgeway (US 6,302,274) in view of Stone et al. (US 2,993,587) and Yeager et al. (US 5,353,935) as applied to claim 1 above, and further in view of Ridgeway (4,852,743). As described above, Ridgeway-Stone-Yeager discloses the claimed invention except for the outer peripheral edge portion of the shock absorbing film being bonded to the outward projected pieces of the intermediate frame members. However, Ridgeway '743 teaches a shock absorbing packaging comprising a pair of intermediate frame members (3 and 9) over which shock absorbing film (7 and 12) is stretched so as to cover a window hole, wherein the outer peripheral edge portion of the shock absorbing film is

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bonded to outward projected pieces (See Fig. 1, where the film extends around to the sidewalls of the intermediate frame members) for the purpose of securely holding the film in place. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the film of Ridgeway-Stone-Yeager to extend across the frame body to the outward projected pieces as taught by Ridgeway '743 in order to increase the surface area of the film to better protect the contents of the package.

Response to Arguments

8. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Reynolds whose telephone number is (571)272-9959. The examiner can normally be reached on Monday-Friday 9:30am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571)272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven Reynolds/
Examiner, Art Unit 3728